

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILLIAM J. JONAS, III,

Plaintiff,

CIVIL ACTION NO.: 1:20CV101  
(Judge Keeley)

v.

RONALD L. GREENE,  
President of Afni, Inc.,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION  
[DKT. NO. 28], GRANTING MOTION TO DISMISS  
[DKT. NO. 20], AND DISMISSING CASE WITHOUT PREJUDICE

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On May 19, 2020, the plaintiff, William J. Jonas, III ("Jonas"), acting pro se, filed a complaint against Ronald L. Greene ("Greene"), president of Afni, Inc. (Dkt. No. 1). In accordance with 28 U.S.C. § 636(b)(1)(A) and 636(b)(1)(B) and L.R. Civ. P. 7.02(c) and 72.01, this case was referred to United States Magistrate Judge Michael J. Aloï (Dkt. No. 5).

On January 26, 2021, Greene moved to dismiss for lack of jurisdiction (Dkt. No. 20). The following day, pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), Magistrate Judge Aloï issued a notice to Jonas ("Roseboro notice"), informing him of his right to respond to Greene's motion within twenty-one (21) days (Dkt. No. 21). A return receipt for the Roseboro notice indicated that service had been accepted on February 1, 2021 (Dkt. No. 24). On February 1, 2021, Jonas moved for an extension of time,

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to December 31, 2021, to respond to any motions. (Dkt. No. 22). Jonas also requested that the Court suspend any PLRA payments collected from his accounts and make no adverse rulings until December 31, 2021. Id. On February 2, 2021, Magistrate Judge Aloï denied Jonas's motion and ordered him to show cause within fourteen (14) days as to why Greene's motion to dismiss should not be granted (Dkt. No. 23). On February 5, 2021, the facility where Jonas is incarcerated accepted service of this Order (Dkt. No. 25).

On March 15, 2021, Magistrate Judge Aloï entered an R&R, recommending that the Court grant Greene's motion to dismiss (Dkt. No. 28). The R&R informed Jonas of his right to file "written objections, identifying the portions of the Report and Recommendation to which objection is made, and the basis of such objection." Id. at 10. It further warned him that failure to do so would result in waiver of his right to appeal. Id.

Jonas currently has five pending cases in the Northern District of West Virginia, all of which were filed on either May 19, 2020, or May 20, 2020, and concern claims brought under the Fair Debt Collection Practice Act. In four of these cases, Jonas has objected to reports and recommendations issued by Magistrate Judge Aloï which recommended dismissal. See, Jonas v.

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Stevenson, Case No. 1:20cv97, Dkt. No. 30; Jonas v. Davis, Case No. 1:20cv98, Dkt. No. 29; Jonas v. Navarro, Case No. 1:20cv99, Dkt. No. 32, and Jonas v. McLean, Case No. 1:20cv100, Dkt. No. 33. Notably, Jonas has not objected to the R&R issued in this case. Given the fact that Jonas has responded in all of his other cases, it appears that nothing about the conditions at the facility where he is currently incarcerated has prevented him from responding or objecting in this case.

Courts will uphold portions of a recommendation to which no objection has been made if "there is no clear error on the face of the record." See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Failure to file specific objections waives appellate review of both factual and legal questions. See United States v. Schronce, 727 F.2d 91 727 F.2d 91, 94 & n.4 (4th Cir. 1984).

To date, Jonas has not responded to the motion to dismiss or to Magistrate Judge Aloï's order to show cause; nor has he objected to the R&R. Therefore, after careful review of the record, and finding no clear error, the Court:

- **ADOPTS** the R&R in its entirety (Dkt. No. 28),
- **GRANTS** Greene's motion to dismiss for lack of jurisdiction (Dkt. No. 20),

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- **DISMISSES** the case **WITHOUT PREJUDICE**, and
- **DIRECTS** that it be stricken from the Court's active docket.

It is so **ORDERED**.

The Court **DIRECTS** the Clerk to enter a separate judgment order and to transmit copies of both orders to the pro se plaintiff by certified mail, return-receipt-requested, and to counsel of record by electronic means.

DATED: April 13, 2021

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE